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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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UNITED STATES OF AMERICA, Plaintiff, v. DURK BANKS, Defendant.
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Case No. 2:24-cr-00621-MWF - 6
ORDER OF DETENTION

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On November 14, 2024, Defendant Durk Banks made his initial appearance on the first superseding indictment filed in this matter. At Defendant's request, the detention hearing was continued to December 12, 2024. A detention hearing was held on December 12, 2024.

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At the hearing, the government proffered the Complaint, the First Superseding Indictment, the Government's Brief In Support Of Pretrial Detention for Defendant Durk Banks and Exhibits 1 and 2 attached thereto, and the Pretrial Services Report and its recommendation of detention based on danger to the community. Defendant proffered documents reflecting that he has obtained a monthly lease at a property located in this district, that he

1 has engaged a full-time, bonded and insured security company (the specifics
2 of which were provided to the Court), that he is a highly successful musical
3 artist signed to Alamo Records, a subsidiary of Sony Entertainment, that he
4 has significant assets (a detailed accounting of which was provided to United
5 States Probation and Pretrial Services), that two houses he owns have a
6 combined appraised equity of \$2.3 million (supporting documentation
7 provided), which he is willing to post as collateral to secure his release, and
8 that multiple third-party guarantors (including Alamo Records) are willing to
9 support his release with cash and property. Defendant also proffered a 2023
10 Annual Report of Neighborhood Heroes Foundation, a nonprofit organization
11 founded by Defendant to make positive change in the lives of those within
12 under-resourced neighborhoods across the country and a copy of an eTicket
13 Itinerary and Receipt in his name for flights on United Airlines on October 24
14 and 25, 2024 from Newark to Zurich and then from Zurich to Dubai, and a
15 declaration of Justin Gibson regarding a January 25, 2022 recording session
16 with Defendant.

17 The Court reviewed and considered all of these materials and the
18 arguments of counsel.

19 ☒ On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case
20 allegedly involving a crime of violence.

21 ☒ On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case
22 allegedly involving an offense with maximum sentence of life imprisonment
23 or death.

24 ☒ On motion by the Government or on the Court's own motion
25 [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the
26 defendant will flee.

27 The Court concludes that the Government is entitled to a rebuttable
28 presumption that no condition or combination of conditions will reasonably

1 assure the defendant's appearance as required and the safety of any other
2 person and the community [18 U.S.C. § 3142(e)(2)].

3 The Court finds that the Defendant has presented evidence sufficient to
4 rebut the § 3142(e)(2) presumption, but after considering the presumption,
5 the factors set forth in 18 U.S.C. § 3142(g), and all of the information and
6 argument presented at the detention hearing, the Court concludes that the
7 Defendant must be detained pending trial because the government has
8 proven:

9 ☒ by clear and convincing evidence that no condition or
10 combination of conditions of release will reasonably assure the safety of any
11 other person and the community.

12 ☒ by a preponderance of evidence that no condition or
13 combination of conditions of release will reasonably assure the Defendant's
14 appearance as required.

15 In addition to findings made on the record at the hearing, the reasons
16 for detention include the following:

17 On August 18, 2022, Defendant allegedly texted a co-conspirator with
18 instructions not to book flights to California under a name involved with
19 Defendant. *See* First Superseding Indictment, Dkt. No. 27 at 7. On October
20 24, 2024, shortly after the co-conspirators were arrested and multiple search
21 warrants were executed in this case, the FBI received notices that Defendant
22 had been booked as a passenger on two commercial international flights
23 departing that day, neither of which he boarded, and that he had booked as a
24 passenger on a private plane departing Miami that same day and destined
25 for Italy. *See* Complaint, Dkt. No. 1, at ¶¶ 9, 17. At the hearing, Defendant's
26 counsel offered the itinerary and receipt for one of those flights. This
27 evidence supports the inference that Defendant, who has considerable
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1 resources, attempted to leave the United States upon learning of the arrests
2 of his co-conspirators.

3 Defendant formed Only the Family (“OTF”), which in addition to
4 producing and selling hip hop music, is also alleged to be an association-in-
5 fact of individuals who engaged in murder and assault at Defendant’s
6 direction and to maintain their status in OTF. *See* First Superseding
7 Indictment at ¶ 1. In this case, Defendant is alleged to have orchestrated
8 and funded a murder plot in which his co-conspirators, acting at Defendant’s
9 direction, traveled to Los Angeles, tracked, stalked, and attempted to kill
10 Defendant’s intended target by gunfire, including a fully automatic firearm,
11 in broad daylight in a busy Los Angeles intersection, and did kill a family
12 member of the target who was traveling with him. *Id.* at ¶¶ 1-6 and Counts
13 One through Four; Complaint at ¶¶ 4-17. In a separate matter in Chicago,
14 Defendant is alleged to have engaged in similar conduct, that is he “offer[ed]
15 money for people to kill those responsible for his brother’s murder, and more
16 specifically, offering to pay money for any Gangster Disciple that is killed.”
17 Dkt. No. 105-1 at ¶ 19, Ex. 1 to Government’s Brief. The material proffered
18 by the government supports the conclusion that Defendant uses his money,
19 influence and power to endanger individuals whom he perceives as a threat.

20 It is therefore ORDERED that Defendant be detained until trial. The
21 defendant will be committed to the custody of the Attorney General for
22 confinement in a corrections facility separate, to the extent practicable, from
23 persons awaiting or serving sentences or being held in custody pending
24 appeal. The defendant will be afforded reasonable opportunity for private
25 consultation with counsel. On order of a Court of the United States or on
26 request of any attorney for the Government, the person in charge of the
27 corrections facility in which defendant is confined will deliver the defendant
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1 to a United States Marshal for the purpose of an appearance in connection
2 with a court proceeding. *See* 18 U.S.C. § 3142(i).

3 Dated: December 16, 2024
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5 **PATRICIA DONAHUE**

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PATRICIA DONAHUE
7 UNITED STATES MAGISTRATE JUDGE
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